



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/20/1286

Re: Property at 18 Crosshill Road, Strathaven, ML10 6DS (“the Property”)

Parties:

Mr Stewart Elder, Mrs Caroline Elder, 12/6 Fernhill Road, Sandringham, Victoria, A3191, Australia (“the Applicants”)

Miss Hannah-Joy Hazel Kirkland, Mr Lindsay Mitchell, 52 Kirk Street, Strathaven, Lanarkshire, ML10 6LB; 52 Kirk Street, Strathaven, Lanarkshire, ML10 6LB (“the Respondents”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- **Background**

The Applicants seek a Payment Order against the Respondents in the sum of £2,649.52. This is in respect of alleged rent arrears following on from the Respondents’ occupation of the Property under a Private Residential Tenancy between the parties.

Prior to the calling of the Case Management Discussion, the Applicant intimated to the Tribunal that they had recovered the sum of £950.00 from the relevant tenancy deposit scheme meaning that they would only now be seeking a Payment Order in the sum of £1,699.52.

- **The Case Management Discussion**

A Case Management Discussion took place by conference call at 10am on 14 October 2020. The Applicants were represented by Ms Diane Patterson of Castle Letting Agency. The Respondents were not present on the call.

The details of the Case Management Discussion had been intimated in writing to the Respondents by letter dated 14 September 2020. That letter was sent to 52 Kirk Street, Strathaven. The Respondents had previously been traced to this address by Sheriff Officers.

The Tribunal was satisfied that in these circumstances it was fair to proceed with the Case Management Discussion in the absence of the Respondents.

- **Findings in Fact**

Having considered the written documentation contained within the Application and having heard from Ms Paterson, the Tribunal made the following findings in fact.

- I. There was a Private Residential Tenancies between the parties in respect of the Property.**
- II. The Applicants were the landlords and the Respondents were the tenants.**
- III. The Private Residential Tenancy commenced on 28 March 2019.**
- IV. The monthly rent due was £950.00.**
- V. The Respondents fell into rent arrears.**
- VI. When the Respondents left the Property, the sum of £2,649.53 was lawfully due to the Applicants as unpaid rent.**
- VII. The Applicants recovered the sum of £950.00 from the deposit paid by the Applicants.**
- VIII. The sum of £1,699.52 remains lawfully due as unpaid rent to the Applicants.**

- **Reasons for Decision**

Having made the above findings in fact, the Tribunal decided to grant the Application and make a Payment Order against the Respondents in the sum of £1,699.52.

Ms Patterson did not wish the Tribunal to consider making any award of interest and accordingly no such order was made.

- **Decision**

Application granted in respect of a Payment Order in the sum of £1,699.52.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

14/10/2020

**Andrew McLaughlin
Legal Member/Chair**

Date